

mula 57) "Ingredients: Fishliver oil concentrate, dehydrated garlic and alfalfa, lac-sulphur, and chlorophyll \* \* \* Four tablets provide 2000 I. U. of Vitamin A, \* \* \* 14 grains of dehydrated Garlic, 4 grains of Sulphur; and 2000 gammas of Chlorophyll"; (Formula 58) "Ingredients: Powdered kelp, dicalcium phosphate, fishliver oil concentrate, yeast, rice polishings, wheat germ \* \* \* One tablet before each meal and upon retiring provides: Iodine \* \* \* 0.7 Mg. Phosphorus \* \* \* 144 Mg. Calcium \* \* \* 176 Mg. Vitamin A \* \* \* 1000 U. S. P. Units"; (Formula 61) "Ingredients: Mixed natural tocopherols and wheat germ oil \* \* \* Each perle contains not less than 5000 Gamma Vitamin E (a-tocopherol activity)"; and (Formula 100) "Each Containing: Iron (Ferrous) Sulphate (Dried), 2½ grs; Liver (Desiccated 1-5), 2 grs.; Stomach Substance (Hog), ½ gr.; Pepsin (1-3000), 0.25 grs.; Spleen Subst., ½ gr.; Red Bone Marrow, ½ gr.; Kelp (Laminaria Bulbosa), ½ gr.; Hemoglobin, ¼ gr.; Vitamin C, 1000 gammas; Vitamin B<sub>1</sub>, 83 gammas; Vitamin B<sub>2</sub>, 24 gammas."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the names "DPS Formula 52," "DPS Formula 57," "DPS Formula 58," "DPS Formula 61," and "DPS Formula 100," appearing on the labels of the respective articles, were false and misleading as applied to articles of the compositions stated, since such names were devices which represented and suggested to the purchaser thereof that the articles were efficacious for the conditions set forth in the booklet entitled "DPS Dartell Formulæ," that is: (Formula 52) impotency, sexual apathy, and menopause, loss of muscular tone, anterior pituitary deficiency, and tendency to abort; (Formula 57) hypertension, toxic conditions, and bowel putrefaction; (Formula 58) lowered fat and protein metabolism, low B. M. R., thyroid deficiency, low calcium metabolism, pregnancy and lactation, nervous disorders, obesity, and skin conditions; (Formula 61) sterility, tendency to miscarriage, mental dullness, muscular weakness, skin lassitude, weakness of female organs, lack of motility of eye lens, paralysis, and anterior pituitary deficiency; and (Formula 100) anemias, toxic changes in blood, fatigue, low blood pressure, underweight, hypofunctions of adrenals, pregnancy, and preoperative and postoperative conditions. The articles were not efficacious for those purposes. The said devices (names) acquired those meanings by reason of the fact that the manufacturer of the articles had supplied and, together with his agents and employees and distributors, had disseminated to prospective purchasers of the articles the aforesaid booklet, and such printed matter disclosed the uses for which the articles were designed and intended.

Further misbranding, Section 403 (a), the statement appearing on the label of the Formula 52, "Each perle contains not less than \* \* \* With 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic and linolenic acids," was misleading since it represented and suggested that the free fatty acids of linseed oil, consisting principally of linoleic and linolenic acids in the amount of 200 milligrams, were of appreciable nutritional and therapeutic significance when the article was consumed in accordance with the directions on the label, whereas those acids, when so consumed, had no appreciable nutritional or therapeutic significance.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1124.

**DISPOSITION:** On October 16, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**6793. Misbranding of Dwarfies Wheatmix and Dwarfies Wheat Germ. U. S. v. Dwarfies Corporation. Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 10553. Sample Nos. 3130-F, 3226-F, 3227-F.)**

**INFORMATION FILED:** On December 30, 1943, in the Southern District of Iowa, against the Dwarfies Corporation, Council Bluffs, Iowa.

**ALLEGED SHIPMENT:** On or about September 30, 1942, and January 29, 1943, from the State of Iowa into the State of Nebraska.

**LABEL, IN PART:** "Dwarfies Wheatmix," or "Dwarfies Toasted Wheat Germ."

**VIOLATIONS CHARGED:** Misbranding of Wheatmix, Section 403 (a), the statements in the labeling which represented and suggested that the article contained 25 times more wheat germ than whole wheat contains were false and misleading since it contained not more than from 5 to 7 times more wheat germ than whole wheat contains.

Misbranding of wheat germ, Section 403 (a), because of false and misleading statements appearing in its labeling which represented and suggested that con-

sumption of the article would insure a diet high in vital food elements; that it was a magic food which would balance the family diet and provide a completely healthful diet; that it was a splendid source of the vitamin B complex; that consumption of the article as directed would insure an abundance of the B-group vitamins; that, when used as directed, it would contribute in an important respect to the requirements of the body for vitamin A and calcium; that the contents of one of the jars, 11 ounces of the article, was equivalent to 3 pounds of wheat germ; that each ounce of the article contained 2.02 milligrams of copper; that the minimum daily requirement for riboflavin for adults was 1.8 milligrams; and that the minimum daily requirements for niacin and copper have been established. The article was not a splendid source of the vitamin B complex and would not accomplish the results claimed; the contents of one of the jars, 11 ounces of the article, was not equivalent to 3 pounds of wheat germ, inasmuch as two of the vitamin constituents of wheat germ, Vitamin D and riboflavin, were present in the article in essentially the same amount as are present in wheat germ; each ounce of the article contained a smaller amount of copper than was represented; the minimum daily requirement for riboflavin for adults is not 1.8 milligrams but is 2 milligrams; and the minimum daily requirements for niacin and copper have not been established.

Both products: Misbranding, Section 403 (j), the articles purported to be and were represented as foods for special dietary uses by man by reason of their content of vitamin B<sub>1</sub>, vitamin E, vitamin A, and vitamin B<sub>2</sub>, and their mineral content of iron, copper, calcium, phosphorus, and (Wheatmix only) iodine, but their labels failed to bear, as the regulations require, statements of the proportion of the minimum daily requirements for vitamin B<sub>1</sub>, vitamin A, and vitamin B<sub>2</sub>, iron, calcium, phosphorus, and (in the case of the Wheatmix) iodine which would be supplied by the articles when consumed in a specified quantity during a period of 1 day; and they failed to bear a statement that the need for vitamin E in human nutrition has not been established, or a statement of the quantity of copper which was contained in a specified quantity of the articles.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1119.

**DISPOSITION:** On January 25, 1944, the defendant having entered a plea of guilty, the court imposed a total fine of \$225 and costs, the fine on the counts charging violation of the food sections of the Act amounting to \$150.

**6794. Misbranding of Helio Minerals. U. S. v. 3 Dozen Bottles and 3 Dozen Bottles of Helio Minerals. Default decree of condemnation and destruction.** (F. D. C. No. 10360. Sample No. 33849-F.)

**LIBEL FILED:** August 6, 1943, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 7 and July 30, 1943, from Detroit, Mich., by the Gordon Service, Inc.

**PRODUCT:** Helio Minerals: 3 dozen 500-tablet bottles and 3 dozen 160-tablet bottles at Buffalo, N. Y.

Examination disclosed that the article consisted essentially of seaweed, alfalfa, and parsley leaves; and that 6 tablets, the number directed to be taken in 1 day, would provide only about  $\frac{1}{5}$  of the minimum daily adult requirement for calcium,  $\frac{1}{60}$  of the minimum daily adult requirement for phosphorus, and  $\frac{1}{6}$  of the minimum daily adult requirement of iron for adults and children over 6 years of age, and  $\frac{1}{4}$  of the minimum daily requirement of iron for children under 6 years of age. The amount of copper provided was essentially inconsequential.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the designation "Helio Minerals," in the labeling of the article, was false and misleading as applied to a product which consisted essentially of seaweed, alfalfa, and parsley leaves; the statements on its label, "(Dietary Supplement) Contain in Organic (natural) form all of the minerals now known to be essential to nutrition, especially rich in iron, copper," were false and misleading since the article, when taken in accordance with the directions on the label, "3 tablets after breakfast and 3 tablets after evening meal \* \* \* Children over three can be given same amount," would provide but a small fraction of the requirements of adults or children for calcium, phosphorus, and iron, minerals which are known to be essential to nutrition, and but an inconsequential trace of copper; and the following statements on its label, "Helio Minerals are prepared in the laboratories of an internationally recognized scientist from his own selection of *Macrosystis Pyrifera* (Giant Kelp) so as to retain their amazing content of minerals," and